

Application No: 23/4111M

Location: AGDEN BROOK FARM, LYMM ROAD, AGDEN, CHESHIRE, WA14 4TE

Proposal: Change of use of existing agricultural buildings to employment uses, including the demolition of one building.

Applicant: Mr Frank Cookson

Expiry Date: 15-May-2024

Summary

The proposed change of use is inappropriate development in the Green Belt, which is harmful by definition. Substantial weight is attached to this harm. The development also conflicts with policies relating to rural employment, particularly given the very limited amount of information provided in the application submission, and the site is not considered to be in a sustainable location given the nature of the proposed use. The proposal also results in moderate harm to the character of the area and potentially substantial harm to the living conditions of the nearest neighbouring property. Collectively these matters carry substantial weight against the proposal.

The benefits of the application are the re-use of agricultural buildings and the creation of jobs in the local area (stated to be 15 jobs on the application form, for which 96 parking spaces are provided). However, given the very limited scale of the nearest settlements, it is likely most employees would travel from larger settlements further afield creating an unsustainable pattern of development by drawing people away from the more accessible locations. This reduces the weight to be afforded to the benefits of job creation. Taken together with the re-use of the buildings limited to moderate weight is afforded to the identified benefits.

It is therefore considered that the benefits of the proposal do not clearly outweigh the harm to the Green Belt and the other harm identified. As such very special circumstances therefore do not exist. The proposal is therefore contrary to policy PG3 of the CELPS.

The proposal is not a sustainable development that complies with development plan policy and the NPPF and is therefore recommended for refusal.

Summary Recommendation

Refuse

REASON FOR REFERRAL

The application relates to a proposal for commercial floorspace in excess of 5,000sqm, and therefore requires a committee decision.

DESCRIPTION OF SITE AND CONTEXT:

The application site is located within an existing farm holding, surrounded by agricultural land separating it from other supporting properties. Access is taken from Lymm Road. The site is located in the Green Belt.

The application form states the site measures 9958sqm. Upon measurement of the location plan, the site is measured at approx. 10,067sqm.

It is also noted the works to the access are not included within the application site (as edged red on the location plan).

DESCRIPTION OF PROPOSAL

The application seeks permission for the change of use of existing agricultural buildings to employment uses, including the demolition of one building. The proposed uses are stated to be:

E(g)(ii) - Research and development of products or processes

E(g)(iii) - Industrial processes

B2 - General industrial - Use for industrial process other than one falling within class E(g) (previously class B1) (excluding incineration purposes, chemical treatment or landfill or hazardous waste)

The access to the site would be widened to accommodate larger vehicles.

RELEVANT PLANNING HISTORY

10/4562M - Approved with conditions / 09-May-2011
EXTENSION TO EXISTING AGRICULTURAL BUILDING

04/2281P - Approved with conditions / 04-Nov-2004
ERECTION OF AGRICULTURAL BUILDING FOR CATTLE

98/2141P - Determination - approval not required (stage 1) / 30-Nov-1998
AGRICULTURAL STORAGE BUILDING FOR HAY & STRAW (DETERMINATION)

70617P - Approved / 20-May-1992
AGRICULTURAL BUILDING

CONSULTATIONS (External to Planning)

Little Bollington Parish - No comments received.

Head of Strategic Transport - No objection

REPRESENTATIONS

None received.

POLICIES

Cheshire East Local Plan (adopted July 2017)

MP 1 - Presumption in Favour of Sustainable Development

PG3 – Green Belt

PG6 – Open Countryside

SD 1 – Sustainable development in Cheshire East

SD 2 - Sustainable Development Principles

EG 1 - Economic Prosperity

EG2 – Rural Economy

SE1 - Design

SE2 – Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 – The Landscape

C01 – Sustainable Travel and Transport

Appendix C Parking Standards

Site Allocations and Development Policies Document (SADPD) (Adopted December 2022)

GEN1 – Design Principles

GEN5 – Aerodrome Safeguarding

ENV1 – Ecological Network

ENV2 – Ecological Implementation

ENV3 – Landscape Character

ENV5 – Landscaping

ENV15 – New Development and Existing Uses

HOU12 – Amenity

HOU13 – Residential Standards

RUR2 – Farm Diversification

RUR10 – Employment Development in the Open Countryside

RUR11 – Extensions and Alterations to Buildings Outside of Settlement Boundaries

INF3 – Highway Safety and Access

Other material planning considerations

National Planning Policy Framework

National Planning Practice Guidance (NPPG)

OFFICER APPRAISAL

Principle of Development

Green Belt and Open Countryside

Policy PG6 of the CELPS allows for the re-use of an existing rural building which would not require extensive alteration, rebuilding or extension in the Open Countryside. However, given that the site is located within the Green Belt policy PG3 of the Local Plan, and paragraphs 154 and 155 of the NPPF are also relevant. These outline exceptions to inappropriate development within the Green Belt. The most relevant exception in this case being the re-use of buildings provided that the buildings are of permanent and substantial construction provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

No structural report has been provided to confirm the structural soundness of the existing buildings. However, a visual inspection on site suggests that they are reasonably permanent and substantial, and no operational development to any of the buildings is proposed as part of the application. It is considered that the buildings could lend themselves to the proposed uses in their current form.

The Planning Practice Guidance (“PPG”) states that: “Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a few matters which may need to be considered in making this assessment.

These include, but are not limited to:

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remendability – considering any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.”*

In terms of whether the proposal would preserve the openness of the Green Belt, very limited details of how the proposed uses would operate. Floor plans are simple line drawings with no information what use each unit would be used for and how each unit would be accessed. From the details that have been provided it is evident that no additional structures are proposed and one building to the east will be demolished to make space for some of the proposed car parking. Car parking would be provided to the north, east and south of the buildings. The parking to the south would be located within the existing open sided structure.

With the buildings largely remaining as existing, with the exception of the demolition of the building to the east, the main openness impacts arising from the proposed change of use are likely to arise externally. Some HGV movement, external storage and car parking did take place within the yard to the front as part of the agricultural use of the site. The proposed use will see this area changed to car parking with turning for HGVs, with additional car parking being provided externally to the east, some of which will be on the footprint of the building to be demolished, and the remainder of the parking being under cover of the building to the south. Whilst the proposed parking is either where there is evidence of existing activity or buildings, suggesting similar openness impacts, it is important to note that 96 car parking spaces are proposed, and given the nature of the uses proposed HGV access will still take place. The submitted Transport Note refers to the proposed use as being only “B2” and projects traffic impacts on that basis, but this is not the case. The proposed uses are stated to also be E(g)ii

and E(g)iii, which are not considered in the Transport Note, which reduces the weight to be afforded to it. Given the amount of parking proposed to serve the proposed uses and the increased level of activity associated with this number of vehicles, in addition to inevitable HGV movements, it is considered that the proposed development will not preserve the openness of the Green Belt.

It is also noted that an access drive has recently been constructed along the west and south elevations of the building. No permission was obtained for this, but the applicant maintains that it was constructed as a hardstanding under agricultural permitted development and did not require the prior approval of the LPA. Any agricultural permitted development under Part 6 of the General Permitted Development Order must be reasonably necessary for the purposes of agriculture. It is not clear why this driveway is reasonably necessary. This track is located outside of the application site and is therefore does not form part of the current proposal. However, it is considered to be relevant given that it is being enclosed together with the buildings by the proposed landscaping to the south and west suggesting an association with the buildings. The driveway also provides direct access to the parking spaces to the rear of the site. If it was used for this purpose, it would create activity along the western boundary where no such activity takes place, and potentially impacting even further upon the openness of the Green Belt.

The proposal is not considered to conflict with the purposes of including land in the Green Belt, however for the reasons stated it does not preserve openness and is therefore considered to be inappropriate development in the Green Belt.

Rural Employment

Policy EG2 of the Local Plan states outside the Principal Towns, Key Service Centres and Local Service Centres, developments that:

1. Provide opportunities for local rural employment development that supports the vitality of rural settlements;
2. Create or extend rural based tourist attractions, visitor facilities and recreational uses;
3. Encourage the retention and expansion of existing businesses, particularly through the conversion of existing buildings and farm diversification;
4. Encourage the creation and expansion of sustainable farming and food production businesses and allow for the adaption of modern agricultural practises;
5. Are considered essential to the wider strategic interest of the economic development of Cheshire East, as determined by the council; or
6. Support the retention and delivery of community services such as shops and public houses, and village halls

Will be supported where the development:

- i. Meets sustainable development objectives as set out in policies MP 1, SD 1 and SD 2 of the Local Plan Strategy;
- ii. Supports the rural economy, and could not reasonably be expected to locate within a designated centre by reason of their products sold;
- iii. Would not undermine the delivery of strategic employment allocations;

- iv. Is supported by adequate infrastructure;
- v. Is consistent in scale with its location and does not adversely affect nearby buildings and the surrounding area or detract from residential amenity;
- vi. Is well sited and designed in order to conserve and where possible enhance the character and quality of the landscape and built form; and
- vii. Does not conflict with Policies PG 3, PG 4, PG 6, PG 7, SE 3, SE 4, SE 5, SE 6 and SE 7 of the Local Plan Strategy.

Policy RUR10 of the SADPD states employment development may be appropriate to a rural area where:

- i. its scale is appropriate to the location and setting;
- ii. the nature of the business means that a countryside location is essential; and
- iii. the proposals provide local employment opportunities that support the vitality of rural settlements.

In relation to farm diversification, Policy RUR2 of the SADPD states proposals for the diversification of agricultural businesses will be supported where they accord with other policies in the development plan and:

- i. the development proposals are ancillary and related to the primary agricultural business;
- ii. the development is necessary to support the continued viability of the existing agricultural business;
- iii. the proposals make best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;
- iv. additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the planned operation of the diversified business; are well-related to each other and existing buildings and do not form isolated or scattered development;
- v. do not unacceptably affect the amenity and character of the surrounding area or landscape (including visual impacts, noise, odour, design and appearance), either on its own or cumulatively with other developments; and
- vi. provide appropriate landscaping and screening.

The development would provide opportunities for local rural employment however it has not been demonstrated that the uses would support the vitality of rural settlements. The proposal is not in relation to a tourist attraction, and would create new business units, thus would not retain or expand existing businesses. As the use classes have been confirmed but not the exact businesses, it is unclear whether the proposal would create or expand sustainable farming/food production businesses. There is no evidence to suggest that it would. No information has been submitted to demonstrate that the development would be essential to the wider strategic interest in terms of economic development or that it would support the retention and delivery of community services. The proposal therefore fails to accord with Policy EG2 of the Local Plan.

No evidence has been submitted to demonstrate that the proposed uses could not be located within a designated centre by reason of their products sold. The proposal would also not be consistent in scale with its rural location and would detract from residential amenity, which is discussed within the amenity section of the report below. The information submitted in relation to the uses of the building is vague and thus the proposal is deemed contrary to Policy EG2 of the Local Plan.

By virtue of the scale of the proposed development, the proposal is not considered to be of an appropriate scale for the rural setting. The rural location of the site is not considered a sustainable location. The businesses are not currently identified but would 'principally' fall into a mixture of use classes E(g)(ii)(iii) and B2. However, there is no information to demonstrate that the nature of the businesses means a countryside location is essential. The use of the term 'principally' does not confirm that other uses would not occupy the building (although the uses could be secured by condition). It is not clear that a countryside location is essential, and the businesses could reasonably be located within a designated centre, specifically the uses within Class E as these can be carried out in a residential area without detriment to amenity. The creation of a B2 use could lead to any type of industrial uses on the site such as manufacturing, assembling, packaging and fabrication of materials and products, which may be entirely inappropriate in this rural location. This is also the case for the development of products with regards to designing, creating, and marketing. Due to the limited information, it has also not been demonstrated that the proposal would support the vitality of rural settlements. The works are therefore also considered contrary to Policy RUR10 of the SADPD.

No information has been provided to confirm whether the development would be ancillary to the primary agricultural business or support the existing agricultural business. The proposal would also harm the character of the surrounding area as the increase in activity would urbanise the character of the site beyond the existing agriculture use and detract from the rural appearance and setting. Appropriate screening has not been proposed to alleviate the visual impact of the development. The proposal is therefore considered contrary to RUR2.

Accessibility / Location

Policy CO1 of the CELPS relates to sustainable travel and transport. Amongst other things, this policy seeks to guide development to sustainable and accessible locations, and ensure development gives priority to walking, cycling and public transport. Policy EG2 of the CELPS also expects rural economic development to meet sustainable development objectives as set out in policies MP 1, SD 1 and SD 2 of the CELPS, some of which reiterate the need to ensure that development is accessible by public transport, walking and cycling. Policy SD1 also expects development, wherever possible, to:

- Prioritise investment and growth within the Principal Towns and Key Service Centres;
- Provide access to local jobs, services and facilities, reflecting the community's needs
- Provide safe access and sufficient car parking in accordance with adopted highway standards;
- Support the achievement of vibrant and prosperous town and village centres;
- Contribute to protecting and enhancing the natural, built, historic and cultural environment;
- Prioritise the most accessible and sustainable locations.

In respect of policy CO1 of CELP, the site is in a very remote location in terms of its relationship with the majority of services, facilities and populations of Lymm and Altrincham / Bowden. Little Bollington and Agden are very small with very limited populations, and services. Broomedge is larger but still has very limited services and facilities for employees to use. The bus service along Lymm Road is hourly, and footpaths do exist should anybody choose to walk. Given the location of the site it is considered to be likely that most journeys to the site will be made by car. It is noted that no cycle parking or shower / changing facilities are proposed.

Given the absence of any information to demonstrate that the proposal would meet an identified need for local rural businesses that cannot be located in designated centres, it would compete against the strategic objectives of the Council by not guiding development to sustainable and accessible locations. By drawing businesses and employees, and associated activity away from more accessible locations, the proposed development promotes a very unsustainable pattern of development, contrary to the sustainable development objectives of policies SD1 and SD2 of the CELPS and the Framework.

Conclusions of Principle of Development

It is acknowledged that the supporting information for Policy RUR10, specifically paragraph 6.40 states *“Employment development that is not considered to be a use appropriate to a rural area under this policy may also be allowed in the open countryside, where it meets one or more of the exceptions to the restrictive approach set out in LPS Policy PG 6”*. However, whilst the building is located within the open countryside, it is also located within the Green Belt and is considered to be inappropriate development. There is therefore considered to be conflict with policies SD1, SD2, RUR2, RUR10 and EG2 of the Local Plan. Very special circumstances would be required to comply with policy PG3.

Visual Impact

CELPS Policy SE1 states that “development proposals should ensure a retained sense of place and management of design quality”. CELPS Policy SD2 further details the design matters that should be considered, including height, scale, form and grouping of development, choice of materials, external design features, massing of development and impact upon the street scene. Policy GEN1 of the SADPD sets out that development proposals should create high quality, beautiful and sustainable buildings and places and should reflect local character.

The proposed development would not result in external changes to the building and no extensions to the existing hardstanding are proposed, albeit the demolition of the existing building to the east.

However, due to the scale of the proposed development and associated activity, there would be an urbanising effect upon the character and appearance of the site compared to the existing agricultural use. The proposal would alter the character of the existing farmyard and would have a significant impact on the rural character and setting of the site. The proposal formalises an intensive car parking layout in a traditional regimented form. The hedgerows and occasional trees on the site boundaries although beneficial within the countryside scene, are considered

to do little to screen the site from the surrounding area. The views towards the site from the main road are not considered to be partially screened by means of the existing hedge.

The proposed site plan has been revised to show hedgerows proposed to the south and west of the buildings, as well as 4 heavy native broadleaf trees at 20m intervals to the west of the immediate hedgerow, 5 nature broadleaf trees at 20m intervals along the site's western boundary and 2 along the northern boundary. The proposed landscaping would help to soften the development to a limited degree, it would have a limited mitigating effect.

The proposed development would therefore result in a detrimental impact upon the character of the surrounding area contrary with policies SE1 and SD2 of the Cheshire East Local Plan, Policy GEN1 of the SADPD and the NPPF.

Living Conditions

CELPS Policy SE1 states that development should ensure an appropriate level of privacy for new and existing residential properties. Policy HOU12 of the SADPD states development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive users or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

A residential dwelling is situated to the immediate northeast of the site. The dwelling is currently within the applicant's ownership. While this is currently the case, the development must also not harm residential amenity for future occupiers, which may result in land ownership changes.

The proximity of the dwelling to the proposed development would have a significant impact on amenity in relation to noise disturbance through the operation of the site and vehicular movement, particularly given the proposed uses. The development is therefore considered to result in an adverse and unacceptable impact upon the living conditions of existing and future occupiers.

Residential properties outside of the applicant's ownership are situated 130m to the north, 193m to the south west and 125m to the north east. The B2 uses could result in some noise disturbance. However, given the distances involved any disturbance is unlikely to be significantly harmful to their living conditions.

The proposals will result in unacceptable harm to the residential amenity of adjacent neighbours in terms of noise disturbance and as such fail to comply with the principles of policies SE1 and SE12 of the Cheshire East Local Plan, Policy HOU12 of the SADPD and the NPPF.

Parking and Highways

Appendix C of the Cheshire East Local Plan identifies minimum Parking Standards for residential development in Principal Towns and Key Service Centres and for the remainder of the borough. The LPA will vary from the prescribed standards where there is clear and compelling justification to do so.

The site is not considered to be locationally sustainable and thus travel to the site would be car dominated.

In connection with this change of use from agricultural building to a mix of use classes and B2 general industrial use, the existing ground floor area is approx. 6,667sqm and the proposal is to reduce this to 5,705sqm. A total of 96 spaces would be provided which would be the approximate requirement for a B2 use. The other proposed uses (E(g)ii and iii) are former B1 uses, which have a higher parking requirement than a B2 use. The Transport Note does not address the impact of the E(g) uses. The parking standards in the local plan require 1 space per 30sqm for a B1 (now E(g)) use, which would equate to 191 spaces. In the event of approval, members may wish to consider whether it is necessary to restrict the use to a B2 use given the absence of any parking data to justify a reduced amount of parking for the E(g) uses.

The Transport Note also only looks at the traffic generations for a B2 use and demonstrates the level of hourly traffic generation for a B2 use will not cause any capacity issues on the A56 Lymm Road.

The application form states that no alterations to the vehicular access are proposed. However, the plans show that changes are proposed and are required to accommodate the swept paths of larger vehicles. The proposed access alterations are also now shown to be within the site edged red. The Head of Strategic Transport does not raise any objection to the access proposals.

Other matters

No significant ecological or tree issues are raised. Whilst no flood risk concerns are raised, if the site area is over 10,000sqm a Flood Risk Assessment would be required. However, the applicant has stated that the site area is 9958sqm, but this does exclude the proposed access alterations.

PLANNING BALANCE & CONCLUSIONS

The proposed change of use is inappropriate development in the Green Belt, which is harmful by definition. Substantial weight is attached to this harm. The development also conflicts with policies relating to rural employment, particularly given the very limited amount of information provided in the application submission, and the site is not considered to be in a sustainable location given the nature of the proposed use. The proposal also results in moderate harm to the character of the area and potentially substantial harm to the living conditions of the nearest neighbouring property. Collectively these matters carry substantial weight against the proposal.

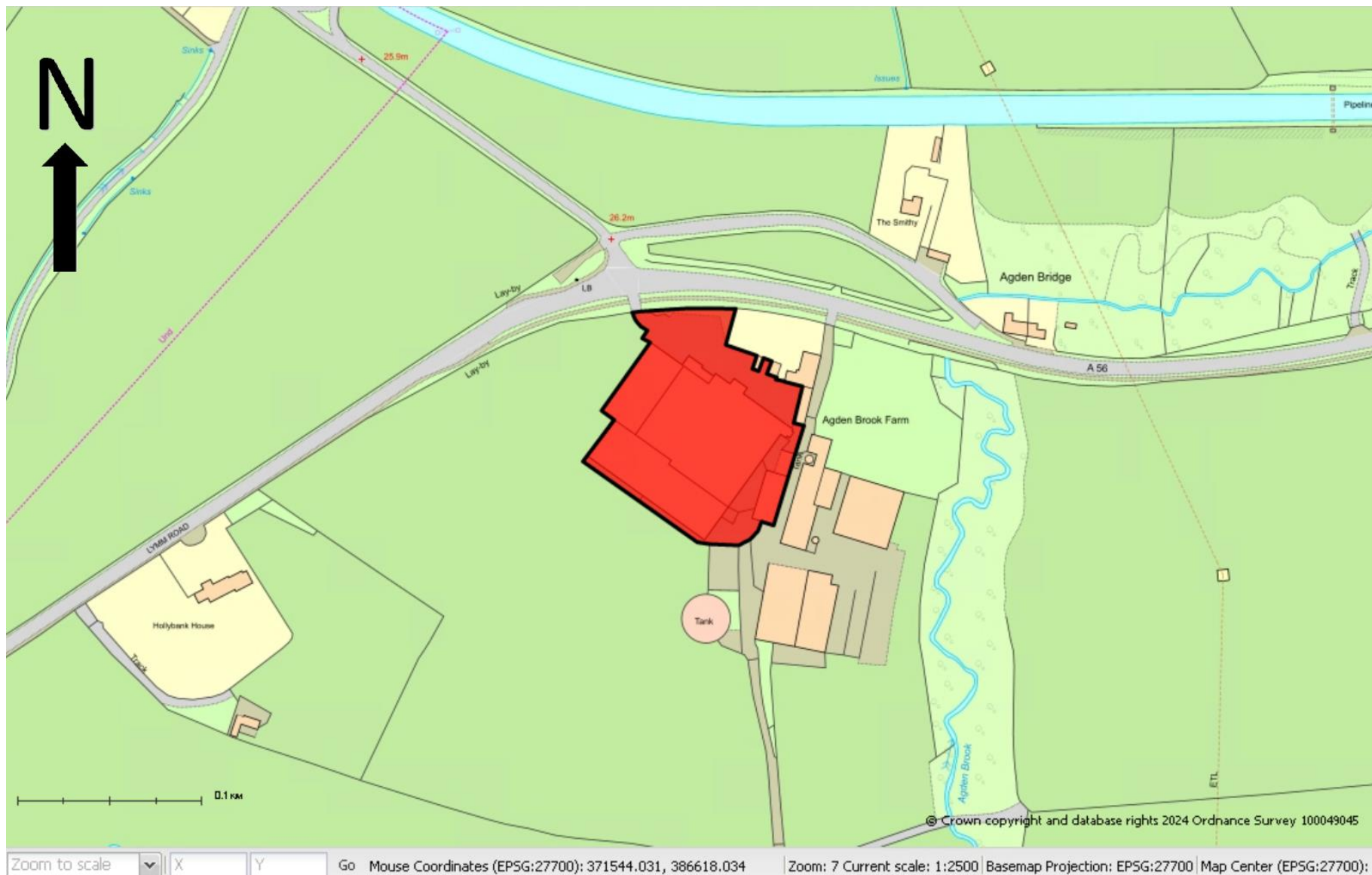
The benefits of the application are the re-use of agricultural buildings and the creation of jobs (stated to be 15 jobs on the application form, but which require 96 parking spaces) in the local area. However, given the very limited scale of the nearest settlements, it is likely most employees would travel from larger settlements further afield creating an unsustainable pattern of development by drawing people away from the more accessible locations. This reduces the weight to be afforded to the benefits of job creation. Taken together with the re-use of the buildings limited to moderate weight is afforded to the identified benefits.

It is therefore considered that the benefits of the proposal do not clearly outweigh the harm to the Green Belt and the other harm identified. As such very special circumstances therefore do not exist. The proposal is therefore contrary to policy PG3 of the CELPS.

The proposal is not a sustainable development that complies with development plan policy and the NPPF and is therefore recommended for refusal.

RECOMMENDATION

1. The proposal is an inappropriate form of development in the Green Belt. Very special circumstances have not been demonstrated to outweigh the identified harm to the Green Belt. There is also conflict with the objectives of rural employment related policies and the site is not sustainably located. The proposal is therefore contrary to policies PG3, SD1, SD2, and EG2 of the Cheshire East Local Plan and policies RUR2 and RUR 10 of the Site Allocations and Development Policies Document.
2. By virtue of scale, the proposed development would dilute the rural character of the site and result in urbanisation of the site, through intensification of use and increased activity. The proposal would remove the existing farmyard appearance and detract from the rural character and setting of the site through a car and HGV dominated use. The proposal would therefore fail to accord with Policies SE1 (Design) and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan, Policy GEN1 (Design Principles) of the Site Allocations and Development Policies Document and the National Planning Policy Framework.
3. The proximity of the development in relation to the residential dwelling to the northeast would have a significant impact on the living conditions of this neighbour due to noise disturbance arising from the operation of the site and vehicular movement. The development is therefore contrary to Policy SE1 (Design) of the Cheshire East Local Plan, Policy HOU12 (Amenity) of the Site Allocations and Development Policies Document and the National Planning Policy Framework.



OFFICIAL